



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**ZONING BOARD OF APPEALS AGENDA**

**Aldermanic Chambers, 2<sup>nd</sup> Floor, City Hall, 93 Highland Avenue**  
**Wednesday, October 1, 2014**  
**DECISIONS 6:00 P.M. followed by New HEARINGS**

**New Business**

Executive Session to discuss litigation strategy with respect to recent land court decision and appellate options for the case at 9-11 Aldersey Street.

**Previously Continued Cases to Future Dates**

<b>44 Park St: (Case #ZBA 2014-03)</b>	
Applicant:	Claudia Murrow
Property Owner:	Belam, II
Agent:	N/A
Legal Notice:	Applicant, Claudia Murrow, seeks an Administrative Appeal per SZO §3.1.9, 3.2, and 3.2.3 from a decision from the Inspectional Services Division that issued a temporary certificate of occupancy for a School for Instruction in Arts at 44 Park Street, Owner, Belam II LLC . RC Zone. Ward 2.
Date(s) of Hearing(s):	5/7, 6/18, 10/15
Staff Recommendation:	N/A
ZBA Action:	Voted on June 18, 2014 to continue the application to October 15, 2014.
Current Status:	Previously continued to October 15, 2014



**Previously Opened Cases that are Requesting a Continuance**

<b>457 Medford Street (Case #ZBA 2014-09)</b>	
Applicant:	Henry Donaldson
Property Owner:	Henry Donaldson
Agent:	N/A
Legal Notice:	Applicant and Owner, Henry Donaldson, seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure by changing the building type from a side gable to 3-story flat roof structure and expanding rear additions. RB Zone. Ward 5.
Date(s) of Hearing(s):	3/19, 4/2, 4/16, 5/7, 5/21, 6/4, 6/18, 7/16, 8/6, 8/20, 9/3, 9/17, 10/1
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

<b>73 Concord Avenue: (Case #ZBA 2013-83)</b>	
Applicant:	Ze'ev Mehler & Nathalie Horowicz
Property Owner:	Ze'ev Mehler & Nathalie Horowicz
Agent:	Richard DiGirolamo
Legal Notice:	Applicants and Owners, Ze'ev Mehler & Nathalie Horowicz, seek a Special Permit with Site Plan Review under SZO §7.2.a to construct a second principle structure composed of two dwelling units; a Special Permit under SZO §4.4.1 to rehabilitate the nonconforming accessory structure, which includes alterations to window and door openings, and Variances under SZO §9.5.1.a for two spaces of parking relief under SZO §9.11.a to modify the dimensions of the maneuvering aisle. RB zone. Ward 2.
Date(s) of Hearing(s):	7/16, 8/6, 8/20, 9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

<b>45 Adrian Street: (Case #ZBA 2014-01)</b>	
Applicant:	Nelson Oliveira
Property Owner:	Jancie Lewicki,
Agent:	Richard Di Girolamo
Legal Notice:	Applicant, Nelson Oliveira, and Owner, Jancie Lewicki, seek a Special Permit under SZO §4.4.1 to alter an existing nonconforming two-family dwelling, which includes a third unit rear addition and changes to the window and door patterns. A Variance is also requested under SZO §9.5.1.a for three spaces of parking relief. RB zone. Ward 2.
Date(s) of Hearing(s):	7/16, 8/6, 8/20, 9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

<b>81 Park Street (Case #ZBA 2014-70)</b>	
Applicant:	Bread Trust LLC
Property Owner:	Jean K. Peabody and Clayton S. Peabody
Agent:	Joseph P. Hanley
Legal Notice:	Applicant, Bread Trust LLC c/o Marco Hunter-Melo & Nathan Bice, and Owners, Jean K. Peabody and Clayton S. Peabody, seeks a Special Permit (SZO §5.1) for a change of a nonconforming use from a service station to a restaurant (7.11.10.2.a) with operations, in part or in whole, conducted outside an enclosed building. Also, a Special Permit is sought to alter the nonconforming structure within the nonconforming yards (§4.4.1). A Variance is sought to reduce the parking required by approximately 50 spaces (§9.5). RB zone. Ward 2.
Date(s) of Hearing(s):	8/20, 9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

### New Cases to be Opened that are Requesting a Continuance

<b>51 McGrath Highway (Case #ZBA 2013-27-R1-8/2014)</b>	
Applicant:	Bell Atlantic Mobile of Massachusetts Corporation, Ltd, d/b/a Verizon Wireless
Property Owner:	Somerville Storage Partners, LLC
Agent:	Daniel D. Klasnick, Esq.
Legal Notice:	Applicant, Bell Atlantic Mobile of Massachusetts Corporation, Ltd, d/b/a Verizon Wireless, and Owner, Somerville Storage Partners, LLC, seek a Revision to a Special Permit ZBA 2013-27 under SZO §5.3.8 to add equipment to an existing wireless communication facility. IA zone. Ward 2.
Date(s) of Hearing(s):	10/1
Staff Recommendation:	None at this time.
ZBA Action:	---
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

<b>240 Elm Street (Case #ZBA 2014-06)</b>	
Applicant:	Fitness Holdings Somerville, LLC d/b/a Crunch Fitness
Property Owner:	Davis Square Realty Ventures
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Fitness Holdings Somerville, LLC, d/b/a Crunch Fitness, seek a Special Permit under SZO §7.11.6.3.b to establish a exercise facility over 10,000 sf and a Special Permit or Variance under SZO §9.5 or 9.13.a to modify parking space requirements. The proposal also includes the alteration to a nonconforming structure under §4.4.1 to alter the façade and floor area ratio. Zone CBD. Ward 6.
Date(s) of Hearing(s):	10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

<b>240 Elm Street (Case #ZBA 2014-88)</b>	
Applicant:	Roche Bros. Supermarket Co.
Property Owner:	Davis Square Ventures Nominee Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Roche Bros. Supermarket Co., c/o Roche Bros, Inc., Trustee, and Owner, Davis Square Realty Ventures Nominee Trust, seek a Special Permit with Site Plan Review, to establish a general merchandise/department store/supermarket under SZO §7.11.9.2.c, that is greater than 10,000 sf. The proposal also includes the alteration to a nonconforming structure under §4.4.1 to alter the façade and floor area ratio, and a Special Permit or Variance under SZO §9.5 or 9.13.a to modify parking space requirements. Zone CBD. Ward 6.
Date(s) of Hearing(s):	10/1
Staff Recommendation:	None at this time.
ZBA Action:	---
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

<b>171-175 Walnut Street (Case #ZBA 2014-73)</b>	
Applicant:	Seckel Street Realty Trust
Property Owner:	Seckel Street Realty Trust
Agent:	Joshua Krefetz, Esq.
Legal Notice:	Applicant and Owner, Seckel Street Realty Trust, seek a Special Permit §4.4.1 to add a second story addition on a nonconforming side yard and a Special Permit per SZO §4.5.3 to expand a nonconforming use by adding living area to an existing unit. RB Zone. Ward 1.
Date(s) of Hearing(s):	9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	The Applicant will submit a written request to continue the application to October 15, 2014.

### Previously Opened Cases that Will be Heard

<b>109 College Avenue (Case #ZBA 2014-77)</b>	
Applicant:	109 College Ave, LLC
Property Owner:	John J. McKenna (Individually), John J. McKenna, Trustee of College Realty Trust; & Kathy Macdonald, Administratrix of the Estate of R. Gregory Macdonald
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant, 109 College Ave. LLC, and Owners, John J. McKenna (Individually), John J. McKenna, Trustee of College Realty Trust; & Kathy Macdonald, Administratrix of the Estate of R. Gregory Macdonald, seek Special Permits under SZO §4.4.1 to alter a nonconforming structure to add an accessible ramp and under SZO §4.5.1 to alter a nonconforming use from a law and real estate office use to dentist office use. Ward 6. RB zone.
Date(s) of Hearing(s):	9/3, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 3, 2014 to continue the application to October 1, 2014.
Current Status:	Will be heard on October 1, 2014.

<b>0 South Street (a/k/a 16 South Street) (Case #ZBA 2013-88)</b>	
Applicant:	18 South Street Condominium Trust
Property Owner:	Patrycja Missiuro & Dmitry Vasilyev
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant, 18 South Street Condominium Trust, seek an administrative appeal per SZO §3.1.9 from a decision from the Inspectional Services Division that issued building permits to construct a 3-family dwelling at 0 aka 16 South Street, Owners Patrycja Missiuro and Dmitry Vasilyev. BA Zone. Ward 2.
Date(s) of Hearing(s):	1/8, 1/22, 2/5, 2/19, 3/5, 7/16, 8/6, 8/20, 9/3, 9/17, 10/1
Staff Recommendation:	See Staff Report.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	Will be heard on October 1, 2014.

<b>18 South Street (Case #ZBA 2014-35)</b>	
Applicant:	Patrycja Missiuro & Dmitry Vasilyev
Property Owner:	Patrycja Missiuro & Dmitry Vasilyev
Agent:	N/A
Legal Notice:	Applicant, Patrycja Missiuro & Dmitry Vasilyev, and Owner, 18 South Street Condominium Trust, seek a Variance for parking relief per SZO §9.5.1. BA Zone. Ward 2.
Date(s) of Hearing(s):	6/4, 6/18, 7/16, 8/6, 8/20, 9/3, 9/17, 10/1
Staff Recommendation:	Recommends Denial
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	Will be heard on October 1, 2014.

<b>16 South Street (Case #ZBA 2014-36)</b>	
Applicant:	Patrycja Missiuro & Dmitry Vasilyev
Property Owner:	Patrycja Missiuro & Dmitry Vasilyev
Agent:	N/A
Legal Notice:	Applicant & Owners, Patrycja Missiuro & Dmitry Vasilyev, seek a Special Permit for compact parking spaces per SZO §9.13. BA Zone. Ward 2.
Date(s) of Hearing(s):	6/4, 6/18, 7/16, 8/6, 8/20, 9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	Will be heard on October 1, 2014.

<b>364 Medford Street (Case #ZBA 2014-75)</b>	
Applicant:	Sadhan Mazumdar
Property Owner:	Chen Chong
Agent:	Arjun Roy
Legal Notice:	Applicant, Sadhan Mazumdar, and Owner, Chen Chong, seek a Special Permit under SZO §9.4. for parking relief for a restaurant use. Ward 4. BA zone.
Date(s) of Hearing(s):	9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	Will be heard on October 1, 2014.

<b>318 Beacon Street (Case #ZBA 2013-91)</b>	
Applicant:	Beacon Street Partners, LLC
Property Owner:	Beacon Street Partners, LLC
Agent:	Terrence P. Morris, Esq.
Legal Notice:	Applicant and Owner, Beacon Street Partners, LLC, seek a Special Permit with Site Review to establish 7 residential units per SZO §7.11.1.c, a Special Permit per SZO §9.13 for modification of parking design standards and a Variance §9.13 for parking relief. RC Zone. Ward 2.
Date(s) of Hearing(s):	9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	Will be heard on October 1, 2014.

<b>40 Pitman St: (Case #ZBA 2014-19)</b>	
Applicant:	40 Pitman, LLC
Property Owner:	Caroline & Aaron Becker
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, 40 Pitman, LLC, and Owner Caroline & Aaron Becker, seek a Special Permit to establish 5 residential units per SZO §7.11.1.c and parking relief and parking design standards per SZO §9.13 BA Zone. Ward 3.
Date(s) of Hearing(s):	5/7, 5/21, 6/4, 6/18, 7/16, 8/6, 8/20, 9/3, 9/17, 10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on September 17, 2014 to continue the application to October 1, 2014.
Current Status:	Will be heard on October 1, 2014.

**New Cases to be Opened and Heard**

<b>1108 Broadway (Case #ZBA 2014-78)</b>	
Applicant:	JSS Realty Corp.
Property Owner:	JSS Realty Corp.
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, JSS Realty Corp., seeks a Special Permit under SZO §9.13.c for an access easement to be able to provide on-site parking at an existing two-family dwelling. Ward 7. BA zone.
Date(s) of Hearing(s):	10/1
Staff Recommendation:	Recommends Denial
ZBA Action:	---
Current Status:	Will be heard on October 1, 2014.

<b>425 Broadway (Case #ZBA 2014-79)</b>	
Applicant:	New Cingular Wireless PCS, LLC
Property Owner:	Summit, LLC
Agent:	Timothy Greene
Legal Notice:	Applicant, New Cingular Wireless PCS, LLC, and Owner, Summit, LLC, seeks Special Permit Approval (§5.1) under SZO §7.11.15.3 and §14 for the installation of a wireless communications facility consisting of antennas and related equipment and cables, §4.4.1 for the alteration of an existing nonconforming structure to relocate antennas and related equipment. RC / 5
Date(s) of Hearing(s):	10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
Current Status:	Will be heard on October 1, 2014.

<b>355 Medford Street (Case #ZBA 2014-86)</b>	
Applicant:	Gerald Amazu
Property Owner:	Gerald Amazu
Agent:	Cynthia F. Snow, Esq.
Legal Notice:	Applicant and Owner, Gerald Amazu, seeks a Special Permit under SZO §9.13.a for two spaces of parking relief due to a by-right third dwelling unit. BA zone. Ward 4.
Date(s) of Hearing(s):	10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
Current Status:	Will be heard on October 1, 2014.

<b>11 Albion Street (Case #ZBA 2014-91)</b>	
Applicant:	Brian Lavelle
Property Owner:	Brian Lavelle
Agent:	N/A
Legal Notice:	Applicant and Owner, Brian Lavelle, seek a Special Permit per SZO §4.4.1 to expand a nonconforming FAR by enlarging a dormer to accommodate a bathroom. RA Zone. Ward 5.
Date(s) of Hearing(s):	10/1
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
Current Status:	Will be heard on October 1, 2014.

### **Other Business**

*Plans and reports are available at the City of Somerville website at the following link:*

[www.somervillema.gov/planningandzoning/reports](http://www.somervillema.gov/planningandzoning/reports)